

## CHAPTER 30

## PUBLIC SAFETY

## ARTICLE I - CIVIL EMERGENCY

**30-1-1** **DEFINITIONS.**

**"CIVIL EMERGENCY"** is hereby defined to be:

- (A) A "riot or unlawful assembly" characterized by the use of actual force or violence or any power to execute by **three (3)** or more persons acting together without authority of law; or
- (B) Any "natural disaster" or "man-made calamity", including flood, conflagration, cyclone, tornado, earthquake, or explosion within the corporate limits of the Village resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

**"CURFEW"** is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the Village excepting officials of any governmental unit and persons officially designated to duty with reference to the civil emergency.

**30-1-2** **DECLARATION OF EMERGENCY.** Whenever an emergency as defined in **Section 30-1-1** exists, the Mayor shall declare the existence by means of a written declaration, setting forth the facts which constitute the emergency.

**30-1-3** **CURFEW.** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the Village or to the Village as a whole as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

**30-1-4** **AUTHORITY OF MAYOR TO ISSUE ORDERS.** After the proclamation of a civil emergency, the Mayor may also, in the interest of public safety and welfare, make any or all of the following orders.

- (A) Order the closing of all retail liquor stores including taverns and private clubs or portions thereof wherein the consumption of intoxicating liquor and beer is permitted.
- (B) Order the discontinuance of the sale of alcoholic liquor by any wholesaler or retailer.
- (C) Order the discontinuance of selling, distributing or giving away of gasoline or other flammable liquid or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
- (D) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.
- (E) Issue such other orders as are imminently necessary for the protection of life and property.

**30-1-5** **EFFECTIVENESS.** The proclamation herein authorized shall be effective for a period of **forty-eight (48) hours** unless sooner terminated by a proclamation of the Mayor indicating that the civil emergency no longer exists. The Mayor shall have the power to reproclaim the existence of a civil emergency at the end of each **forty-eight (48) hour** period during the time the civil emergency exists.

**30-1-6** **NOTIFICATION.** Upon issuing the proclamation herein authorized, the Mayor shall notify the news media situated within the Village and shall cause **three (3) copies** of the proclamation declaring the existence of the emergency to be posted at the following places within the Village:

- (A) The Village Hall.
- (B) The Post Office.
- (C) The Police Station.

**(See Section 1-1-20 for Penalty)**

**(65 ILCS 5/11-1-6)**

**ARTICLE II - POLICE DEPARTMENT**

**DIVISION I - DEPARTMENT ESTABLISHED**

**30-2-1**        **DEPARTMENT ESTABLISHED.** There is hereby established a department of the municipal government of the Village, which shall be known as the Police Department. It shall embrace the Village Board, standing committee on public safety, one chief of police and such other regular patrolmen as the Village board may hereafter from time to time, provide for, and also such special policemen as the Mayor, in accordance with the provisions of this Chapter, may appoint and commission.

**30-2-2**        **PUBLIC SAFETY COMMITTEE.** The Public Safety Committee shall exercise a general supervision over the affairs of the Police Department. It shall ascertain the condition and needs thereof; shall, from time to time, report the same to the Mayor and Village Board so that a full understanding shall be had, and, generally, shall do all acts necessary to promote the efficiency of the Department.

**30-2-3**        **OFFICE OF CHIEF CREATED; APPOINTMENT.** There is hereby established the office of the Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of the Village Board for a term of **one (1) year**. The Chief of Police of the Village shall be the head of the Police Department.

**30-2-4**        **DUTIES OF CHIEF.** The Chief of Police shall:

- (A) devote his entire time to the performance of the duties of his office, and is hereby charged with the preservation of the peace and order and safety of the Village, and with the duty of protecting the rights of persons and property, and of enforcing all laws and also all orders of the Village Board.
- (B) take notice of all nuisances, obstructions and defects on the highways, or other public places and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto.
- (C) attend, either in person, or by deputy, all meetings of the Village Board, execute all its orders, and close the Board Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the Village.
- (D) supervise all police employees, both regular and auxiliary.
- (E) see that all records are maintained in a correct and orderly fashion.
- (F) obtain the necessary authorization to order all parts and equipment necessary for the operation of the Police Department.
- (G) maintain a work/vacation schedule for the Police Department.
- (H) be responsible for animal control in the Village.
- (I) answer telephone calls and correspondence related to the Police Department.
- (J) interview and recommend to the Mayor new auxiliary police officers.
- (K) make all necessary monthly reports.
- (L) assist the funeral home with traffic control.
- (M) assist the Fire Department with traffic control to the Village limits and major highways.
- (N) work with different organizations by providing security for planned events.

- (O) supervise and train the School Crossing Guard. He shall see that there is a replacement when the Guard will be absent from work.
- (P) patrol the Village both in car and on foot.
- (Q) help with the preparation of the Police Department budget.
- (R) make court appearances when necessary.
- (S) order, issue, and control uniforms for the police officers.
- (T) serve arrest warrants when required.
- (U) make random checks of all taverns at least once a night when on duty.
- (V) attend seminars on police matters.
- (W) shall cover traffic accidents in the Village and assist out of the Village when requested by other departments.

**30-2-5**      **APPOINTMENT OF PATROLMEN.** A sufficient number of patrolmen shall be employed in accordance with personnel rules as set forth in **Chapter 11** of this Revised Code and in accordance with the laws of the State of Illinois. **(Ord. No. 883; 05-06-13)**

**30-2-6**      **SALARY.** The police department personnel shall receive such compensation as may be provided by the annual appropriation ordinance of the Village Board.

**30-2-7**      **DUTIES.** The policeman shall devote his entire time to the performance of the duties of his office and is hereby charged with the preservation of the peace, order and safety of the Village and with the duty of protecting the rights of persons and property and of enforcing all laws and also all orders of the Village Board. He shall take notice of all nuisances, obstructions and defects on the highways or other public places, and shall cause the same to be abated or removed, or immediate notice thereof given to the proper officer whose duty it may be to take action in relation thereto. When requested by the Mayor he shall attend, either in person or by deputy, all meetings of the Village Board, execute all its orders and close the Board Chamber upon the adjournment of that body. He shall also execute all warrants or other legal process required to be executed by him under any ordinance of the Village or laws of the State of Illinois.

**30-2-8**      **MUTUAL AID CONTRACT.** The Police Department, with the approval of the Village Board, may enter into an agreement to provide police protection to neighboring municipalities.

**30-2-9**      **SPECIAL POLICEMEN.** The Mayor may, on special occasions when, in his judgment for public peace and order of the Village shall require, appoint and commission any number of special policemen as may be necessary and shall fix in order of their appointment, the time during which each shall serve all such special policemen, during such time, shall possess the powers and exercise the duties of regular police patrolmen; provided that their appointment, if for more than **ten (10) days** shall be subject to the consent of the Village Board in the manner that other appointments to office by the Mayor are subject. Auxiliary policemen shall not carry firearms, except with the permission of the Chief of Police and then only when in uniform and in the performance of their duties.

**30-2-10**     **LEGAL PROCESSES.** All police shall have the power and authority to execute Village warrants or other similar legal processes outside the corporate limits of the Village and within such distance therefrom as authorized by law in all cases when any ordinance of the Village Board made pursuant to law shall prescribe a penalty for the violation of any of its provisions by persons residing, acting or doing any business within the limits of the Village.

**30-2-11**     **ASSISTING PEACE OFFICER.**

- (A) A peace officer making a lawful arrest may command the aid of persons over the age of **eighteen (18)**.
- (B) A person commanded to aid a peace officer shall have the same authority to arrest as that peace officer.
- (C) A person commanded to aid a peace officer shall not be civilly liable for any reasonable conduct in aid of the officer. **(725 ILCS 5/107-8) (Ord. No. 446; 08-16-93)**

**30-2-12 AIDING FIRE DEPARTMENT.** Every police officer shall aid the fire department by giving the alarm in case of fire and in clearing the streets or grounds in the immediate vicinity of any fire so that the firemen shall not be hindered or obstructed in the performance of their duties.

**30-2-13 FAILURE TO PERFORM.** Any member of the Police Department who shall neglect or refuse to perform any duty required of him by this Code or the rules and regulations of the Department, or who shall be, in the discharge of his official duties, guilty of any fraud, favoritism, extortion, oppressions or willful wrong or injustice, shall be subject to removal from office.

**30-2-14 AIDING IN ESCAPE.** It shall be unlawful for any person in this Village to resist or obstruct any member of the Police Force in the discharge of his duty or to endeavor to do so, in any manner, assist any person in the custody of any member of the Police Department to escape or to attempt to escape from such custody or to attempt to rescue any such person in custody.

**30-2-15 USE OF INTOXICATING LIQUOR.** No member on an active tour of duty or while wearing the official policeman's badge of the Village shall indulge in the use of intoxicating liquor of any kind and intoxication at any time shall be sufficient cause for removal.

**30-2-16 WITNESS FEES.** Any member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any state or federal law. No such member shall retain any witness fee for service as witness in any action or suit to which the Village is a party; and fees paid for such services shall be turned over to the Chief of Police who shall deposit the same with the Village Treasurer.

**30-2-17 RULES AND REGULATIONS.** The Chief of Police may make or prescribe such rules and regulations for the conduct and guidance of the members of the Police Department as he shall deem advisable and such rules, when approved by the Mayor, shall be binding on such members.

**30-2-18 TRAINING.** All police officers, prior to entering upon any of their duties, shall receive a course of training in the use of weapons by the proper authorities as established by the State of Illinois. All full-time and part-time police officers shall complete a course on police procedures by the proper authorities as established by the State of Illinois Law Enforcement Training and Standards Board within the prescribed time period as established by such board. Upon completion of the course of training, the officer shall file with the Mayor a certificate attesting to the completion of the course.

**30-2-19 STOLEN PROPERTY.** The Chief of Police shall be the custodian of all lost and abandoned or stolen property in the Village.

**30-2-20 SHIFT WORK.** Each patrolman shall serve on the day or night force, as the Chief shall direct, and the Mayor may, when necessary, detail any police officer for the discharge of any particular or special duty, and may also require all policemen to perform police duty at any time of the day or night.

**30-2-21 ENFORCEMENT OF LAWS.** Each and every member of the police force, when on duty, shall devote his entire time to the proper discharge of the duty of his station, according to the law and the ordinances of the Village, and the rules and regulations of the Police Department; and it shall be his duty to preserve at all times, the order, peace and quiet of the Village and to enforce the ordinances thereof.

**30-2-22 EXECUTE WARRANTS.** Every member of the department shall have power, within the corporate limits of the Village to serve and execute warrants or other legal process for the apprehension and commitment of persons charged with or held for the commission of any crime or misdemeanor, or the violation of any law or ordinances of the Village; and while so serving or executing or assisting in the service of execution of any such warrant or legal process, he shall be vested with all the common law and statutory powers of policemen for such purposes.

**30-2-23**      **BODY CAMERA POLICY.**

(A)      **Equipment Standards.** Body cameras used by the Cobden Police Department must be equipped with at least thirty (30) seconds of pre-event recording and must be capable of recording for a period of not less than ten (10) hours.

(B)      **Operation of Cameras; Turning Camera On/Off.** Any officer in uniform using a body camera shall turn on the camera any time the officer is engaged in law enforcement related encounters or activities, except in the following circumstances:

1. The officer is interacting with a victim or witness and the victim or witness requests that the camera be turned off;
2. The officer is interacting with a confidential informant;
3. The officer is in a patrol car with an active in-car camera;
4. The officer is engaged in a community caretaking function (i.e. Village Board or other public meeting, providing a death notification, helping a child find their parents, performing well-being checks on the sick or elderly, etc.); or
5. Exigent circumstances prevent the camera from being turned on.

(C)      **Other Protocols.**

1. The officer must give individuals oral/verbal notice when the camera is recording whenever the individual has a reasonable expectation of privacy. The proof of the notice must be evident in the recording.
2. The recording officer and the recording officer's supervisor may access and review recordings prior to completing incident reports or other documentation, but the officer must disclose that fact in his/her report and/or documentation.

(D)      **Retention of Records.** Any recording must be retained for ninety (90) days and destroyed thereafter. Any and all recordings shall remain in the care and custody of the Chief of Police who shall be responsible for the same and exercise sole discretion as to their use, review, release and/or destruction pursuant to the terms, guidelines and conditions of this policy. However, if the recording is "flagged" because an encounter captured on the recording includes use of force or discharge of a firearm by an officer, any person was injured or died, the subject was arrested or detained, an officer is being investigated, the recording officer requests the recording for official purposes, or the recording is otherwise used for evidence in a court proceeding, the recording shall be retained for a minimum of two (2) years, or until a final disposition and order from the court.

(E)      **Disclosure of Recordings.** All recordings will be disclosed, upon request, to any victim or witness who appears in the captured video, with the recording being disclosed to the person recorded or his or her legal representative. Recordings may not be disclosed under the Freedom of Information Act unless the recording relates to a complaint, use of force or discharge of a firearm by an officer, arrest or detention, or death or bodily harm. If the victim or witness has a reasonable expectation of privacy, then the Police Department must obtain written permission from the individual before disclosing the recording.

(F)      **Evidence.** The recording may be used as evidence in any administrative, judicial, legislative, or disciplinary proceeding. If a Court of competent jurisdiction finds by a preponderance of the evidence that a recording was intentionally not captured, destroyed, altered or intermittently captured, than the Court shall consider that violation in weighing the evidence, unless the State provides a reasonable justification.

(G)      **Police Discipline.** Recordings can be used to discipline law enforcement officers if: 1) a formal or informal complaint of misconduct has been made; 2) a use of force incident occurred; 3) the encounter on the recording could result in a formal investigation or as corroboration of other evidence of misconduct; or, 4) if a recording was intentionally not captured, or was intentionally destroyed, altered, or intermittently captured in violation of the Law Enforcement-Worn Body Camera Act.

(H) **Citizens Right to Record Police.** No officer may hinder or prohibit any person from recording a law enforcement officer in the performance of his or her duties in a public place or in circumstances where the officer has no reasonable expectation of privacy. Any violation of this section may result in criminal penalties, as well as any Department discipline which may result from the unlawful confiscation or destruction of a recording medium of a person who is not a law enforcement officer.

(I) **Reporting.** The Chief of Police shall provide an Annual Report to the Illinois Law Enforcement Training Standards Board by May of each year. This report shall include: 1) a brief overview of the makeup of the Department, including the number of officers utilizing police body-worn cameras; 2) the number of police body-worn cameras utilized by the Department; 3) any technical issues with the equipment and how those issues were remedied; and 4) a brief description of the review process used by the Chief of Police. **(#2016-947; 10/17/2016)**

**30-2-24 - 30-2-30 RESERVED.**

**(65 ILCS 5/11-1-2)**

## **DIVISION II - AUXILIARY OFFICERS**

### **30-2-31 PART-TIME POLICE.**

(A) **Employment.** The Village may employ part-time police officers from time to time as they deem necessary.

(B) **Duties.** A part-time police officer shall have all the all the responsibilities of a full-time police officer and such specific duties as delineated in the General Orders of the Police Department, but the number of hours a part-time officer may work within a calendar year is restricted to **one thousand (1,000) hours**. Part-time police officers shall not be assigned to supervise or direct full-time police officers. Part-time police officers shall be trained in accordance with the Illinois Police Training Act (**50 ILCS 705/1 et seq.**) and the rules and requirements of the Illinois Law Enforcement Training and Standards Board.

(C) **Hiring Standards.** Any person employed as a part-time police officer must meet the following standards.

- (1) Be of good moral character, of temperate habits, of sound health, and physically and mentally able to perform assigned duties.
- (2) Be at least **twenty-one (21) years** of age.
- (3) Possess a high school diploma or GED certificate.
- (4) Possess a valid State of Illinois driver's license.
- (5) Possess no prior felony convictions.
- (6) Any individual who has served in the U.S. military must have been honorably discharged.

(D) **Discipline.** Part-time officers shall be under the disciplinary jurisdiction of the Chief of Police. Part-time police officers serve at the discretion of the Village authorities, shall not have any property rights in said employment, and may be removed by the Village authorities at any time. Part-time police officers shall comply with all applicable rules and General Orders issued by the Police Department.

**30-2-32 ESTABLISHMENT AND COMPOSITION.** A special police unit of Auxiliary Officers shall be established, which shall consist of a sufficient number of officers to serve the Village as determined by the Chief of Police and Mayor. Such officers shall be known and referred to by all purposes as "Auxiliary Officers" and the "Cobden Auxiliary Police". Such Auxiliary Officers shall not be considered "conservators of the peace" as defined in the Illinois Municipal Code (**65 ILCS 5/3.1-15-25**)

**30-2-33 APPOINTMENT, QUALIFICATIONS, TRAINING AND TERMINATION.** Auxiliary Officers shall be subject to appointment by the Chief of Police, upon joint recognition of the Mayor, and shall serve at the leisure of the Chief of Police, and may be removed at the discretion of the

Chief of Police and/or Mayor with or without notice and with or without cause. Auxiliary Officers shall not be commissioned as law enforcement officers. Prior to appointment, each applicant shall be fingerprinted for background checks submitted by the Chief of Police to redeem any criminal history. Applicants to be considered for the position of Auxiliary Officer must have no criminal background.

Each Auxiliary Officer shall meet the following qualifications to be interviewed:

- (A) Be at least **twenty-one (21) years** of age.
- (B) Reside within a **ten (10) mile** radius from the corporate limits of the Village.

**30-2-34** **DUTIES.** Auxiliary Officers shall be subject to direction and control of the Captain of the Auxiliary. The Captain of the Auxiliary and all Auxiliary Officers are subject to the direction and command of the Chief of Police and shall be assigned to perform the following duties and responsibilities, as assigned by the Chief of Police.

- (A) Support community relations' activity including community events, parades and festivals as well as police details.
- (B) Quasi law enforcement duty including, but not limited to, emergency procedures, disaster relief or similar operations.
- (C) Aiding or directing traffic or road blockage.
- (D) Aid during any natural or man-made disaster or catastrophic event.

**30-2-35** **UNIFORMS.** Auxiliary Officers shall wear a uniform at all times while on duty, and shall wear identification symbols which are different and distinct from the symbols worn by certified officers of the Police Department.

**30-2-36** **STATUS AND COMPENSATION.** Auxiliary Officers shall be deemed as serving on a volunteer basis and may receive such compensation for certain duties as predetermined by the Chief of Police and approved by the Mayor. **(Ord. No. 882; 05-06-13)**

**30-2-37** **COMPENSATION.** Auxiliary policemen may receive compensation as provided by the Village Board.

**(65 ILCS 5/3.1-30-20)**

### **ARTICLE III - FIRE DEPARTMENT**

**30-3-1** **ESTABLISHED.** There is hereby established a department of the municipal government of the Village, for the protection of property from fire and the extinguishment and prevention of fires, to be known as the Cobden Fire Department, and which shall embrace one Fire Chief, one Assistant Fire Chief, one Secretary-Treasurer, and members of the Village Fire Department, as shall be required to serve the Village. **(65 ILCS 5/11-6-1)**

**30-3-2** **FIRE CHIEF.** There is hereby created the office of the Fire Chief of the Fire Department of the Village, who, on the first Monday in May of each year shall be designated by the Volunteer Firemen and his name shall be submitted for approval by the Village Board and shall hold office for the term of **one (1) year** and until his successor is elected and qualified.

**30-3-3** **ASSISTANT FIRE CHIEF.** The Assistant Fire Chief shall be designated at the same time and the same manner as the Fire Chief and shall hold his office for the term of **one (1) year** and until his successor is elected and qualified and shall perform all the duties of and in the absence of the Fire Chief.

**30-3-4** **SECRETARY-TREASURER.** There is hereby created the office of Treasurer, who shall also be ex-officio Secretary of the Village Fire Department and shall be designated at the same time and the same manner as the Fire Chief and shall hold his office for the term of **one (1) year** and until his successor is designated and qualified.

**30-3-5 SECRETARY-TREASURER; DUTIES; BOND.** The Secretary-Treasurer shall, before entering upon the duties of his office, take and subscribe to the oath prescribed by law for Village officers and shall execute bond payable to the Village Fire Department with sureties to be approved by the Mayor and Board of Trustees, and the Volunteer Firemen. The penal sum of the bond shall be fixed by the Volunteer Firemen.

**30-3-6 MEMBERS OF FIRE DEPARTMENT.** The members of the Fire Department shall be elected by the Fire Department, and be subject to and under control of the Fire Chief at all times.

**30-3-7 OWNERSHIP OF PROPERTY.** The Fire Chief shall have control of all apparatus used in the extinguishment and prevention of fires and shall cause the same to be kept in order at all times.

**30-3-8 RIGHTS AND PRIVILEGES.** The Fire Department shall have the following rights and privileges:

(A) Right-of-way at all times over all streets, alleys and other public thoroughfares in the Village and the right to go in or upon private property at any time that is necessary to do so and to use water wherever found most convenient in time of fire.

(B) Right in case of fire to have full control of premises afire and property adjoining thereto.

(C) There shall be no speed limit enforced by the Village against the Fire Department while going to a fire, unless unreasonable disregard for safety is evident. On returning from a fire all rules of the road apply and the right-of-way privilege is rescinded.

**30-3-9 OBSTRUCTING FIRE DEPARTMENT.** No person shall willfully or maliciously hinder, disturb or obstruct the operation of the Fire Department or other implement for the extinguishment or prevention of fire.

**30-3-10 COMPENSATION.** The officers and members of the Fire Department shall receive for their duties or services rendered such compensation as may, from time to time, be allowed by a majority vote of the Fire Department.

**30-3-11 CHARGES FOR SERVICES.** The following fees will be charged for the mentioned services provided.

(A) **Outside Village Limits.** The charge of **One Thousand Dollars (\$1,000.00)** shall prevail for persons desiring fire protection outside the corporate limits.

(B) **Vehicle Fires.** There will be a charge of **Five Hundred Dollars (\$500.00)** for a vehicle fire or ambulance assist.

(C) **Haz-Mat Calls.** Should the Fire Department be called to a Hazardous Materials spill site to assist in cleanup, the fee will be **One Thousand Dollars (\$1,000.00)**, plus an additional **Two Hundred Dollars (\$200.00)** per vehicle per hour after **two (2) hours** on the scene. The cost per man on the scene will be **Thirty-Five Dollars (\$35.00)** per hour from the time we are requested to respond to the scene. This cost will be in addition to the replacement cost of equipment, materials, supplies, and any other expenses incurred by the Fire Department while on the incident site.

(D) **False Alarms.** Normally these calls will not be billed, but if there are numerous alarms to the same location, the Fire Department may charge a fee of **One Hundred Dollars (\$100.00)**. The billing will be considered when **four (4)** false alarms (from the same location) are received in **one (1) calendar year** period. This fee will be charged for each false alarm thereafter at the same location until the end of that calendar year. The false alarm fee will be in effect both inside and outside the Village limits.

(E) **Charges for Mutual Aid.** Charges to other departments for mutual aid services will be at the discretion of a majority vote of members of the Fire Department.



(F) **Non-Structure or Special Calls.** Calls other than structure and/or grass fires, shall be billed at the following rates:

Tanker truck	\$500.00 per hour
4 x 4 truck	\$300.00 per hour
Water hauler	\$200.00 per 1,000 gallons
Wash-down agent	\$75.00 per quart used
Foam agent	\$250.00 per 5 gallons used
Personnel	\$75.00 per hour for each person on the call

(G) **Collection of Outstanding Charges.** Legal action and filing of liens for collection of outstanding charges will be at the discretion of a majority vote of members of the Fire Department. **(Ord. No. 927; 08-17-15)**

**ARTICLE IV - EMERGENCY MANAGEMENT AGENCY (EMA)**

**30-4-1 POLICY AND PROCEDURES.**

(A) Because of the possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from the explosion in this or in a neighboring municipality of atomic or other means from without, or by means of sabotage or other disloyal actions within, or from fire, flood, earthquake, or other natural or man-made causes, and in order to insure that this municipality will be prepared to and will adequately deal with any such disasters, preserve the lives and property of the people of this municipality and protect the public peace, health and safety in the event of such a disaster, it is found and declared to be necessary:

- (1) To create a municipal emergency management agency;
- (2) To confer upon the Mayor the extraordinary power and authority set forth under Article I of this Chapter **(65 ILCS 5/11-1-6)**.
- (3) To provide for the rendering of mutual aid to other cities and political subdivisions with respect to the carrying out of emergency management operations.

(B) Whenever the Mayor determines after an investigation that a dangerous situation or a potentially dangerous situation exists which could cause death to individuals or serious injury to property or the health and welfare of public, the Mayor may declare that a state of emergency exists. The extraordinary powers may not be exercised until an ordinance shall have been adopted which shall establish standards for the determination by the Mayor of when the state of emergency exists and shall provide that the Mayor may not exercise such extraordinary power and authority except after signing under oath a statement finding that such standards have been met, setting forth facts to substantiate such findings, describing the nature of the emergency and declaring that a state of emergency exists. This statement shall be filed with the Clerk of the municipality as soon as practical. A state of emergency shall expire not later than the adjournment of the first regular meeting of the corporate authorities after the state of emergency is declared. A subsequent state of emergency may be declared if necessary.

(C) It is further declared to be the purpose of this Code and the policy of the municipality that all emergency management programs of this municipality be coordinated to the maximum extent with the comparable functions of the federal and state governments, including their various departments and agencies, of other municipalities and localities and private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

**30-4-2 LIMITATIONS.** Nothing in this Code shall be construed to:

(A) Interfere with the course or conduct of a private labor dispute, except that actions otherwise authorized by this Code or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety;

(B) Interfere with dissemination of news or comment of public affairs; but any communications facility or organization (including but not limited to radio and television stations, wire services, and newspapers) may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster;

(C) Affect the jurisdiction or responsibilities of police forces, fire fighting forces, units of the armed forces of the United States, or of any personnel thereof, when on active duty; but state and local emergency operations plans shall place reliance upon the forces available for performance of functions related to disaster emergencies;

(D) Limit, modify, or abridge the authority of the Mayor and the Village Board to exercise any other powers vested in them under the constitution, statutes, or common law of this State, independent of or in conjunction with any provisions of this Code.

**30-4-3** **DEFINITIONS.** As used in this Code, unless the context clearly indicates otherwise, the following words and terms shall have the definitions hereinafter ascribed:

(A) **Coordinator** means the staff assistant to the Mayor with the duty of carrying out the requirements of this Code.

(B) **Disaster** means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to fire, flood, earthquake, wind, storm, hazardous materials spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, explosion, critical shortages of essential fuels and energy, riot, or hostile military or paramilitary action.

(C) **Emergency Management** means the efforts of this municipality to develop, plan, analyze, conduct, implement and maintain programs for disaster mitigation.

(D) **Emergency Operations Plan** means the written plan of the municipality describing the organization, mission and functions of the government and supporting services for responding to and recovery from disasters.

(E) **Emergency Services** means the preparation for and the carrying out of such functions, other than functions for which military forces are primarily responsible, as may be necessary or proper to prevent, minimize, repair and alleviate injury and damage resulting from disasters caused by fire, flood, earthquake, or other man-made or natural causes. These functions including, without limitation, fire-fighting services, police services, emergency aviation services, medical and health services, rescue, engineering, warning services, communications, radiological, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to protecting life or property.

(F) **Political Subdivision** means any county, city, village, or incorporated town.

**30-4-4** **EMERGENCY MANAGEMENT AGENCY.**

(A) There is hereby created an emergency management agency and a coordinator of the emergency management agency, herein called the "coordinator", who shall be the head thereof. The coordinator shall be appointed by the Mayor with the advice and consent of the Board. He shall serve at the pleasure of the Mayor.

(B) The Emergency Management Agency shall obtain, with Board approval, such technical, clerical, stenographic and other administrative personnel, and may make such expenditures within their appropriation therefor as may be necessary to carry out the purpose of this Code.

(C) The coordinator, subject to the direction and control of the Mayor, shall be the executive head of the Municipal Emergency Service and Disaster Agency, and shall be responsible under the direction of the Mayor for carrying out the program for emergency management operations of this municipality. He shall coordinate the activities of all organizations for emergency management operations within this municipality and shall maintain liaison, and cooperate with, the civil defense and emergency management agencies and organization of the county, other counties and municipalities, and of the federal and state government.

In the event of the absence, resignation, death, or inability to serve by the coordinator, the Mayor or any persons designated by him, shall be and act as coordinator until a new appointment is made as provided in this Code.

(D) The Municipal Emergency Management Agency shall take an integral part in the development and revision of the local emergency operations plan.

(E) In the development of the emergency operations plan, the municipal emergency management agency shall interrelate with business, labor, industry, agriculture, civic and volunteer organizations, and community leaders.

(F) The Municipal Emergency Management Agency shall:

- (1) Determine the requirements of the municipality for food, clothing and other necessities in the event of an emergency;
- (2) Develop an Emergency Operations Plan that meets the standards promulgated by the Illinois Emergency Management Agency;
- (3) Biannually review and revise the local Emergency Operations Plan;
- (4) Establish a register of persons with types of training and skills in emergency prevention, preparedness, response and recovery;
- (5) Establish a register of government and private response resources available for use in a disaster;
- (6) Prepare, for issuance by the Mayor, ordinances, proclamations and regulations as necessary or appropriate in coping with disasters.
- (7) Cooperate with the federal, state and county government and any public or private agency or entity in achieving any purpose of this Code and in implementing programs for disaster prevention, preparation, response and recovery;
- (8) Initiate and coordinate planning for:
  - (a) The establishment of an emergency operating center;
  - (b) The implementation of a 911 system.
- (9) Do all other things necessary, incidental or appropriate for the implementation of this Code.

**30-4-5 EMERGENCY MANAGEMENT POWERS OF THE MAYOR.**

(A) The Mayor shall have the general direction and control of the emergency management agency, and shall be responsible for the carrying out of the provisions of this Code.

(B) In performing his duties under this Code, the Mayor is authorized to cooperate with state and federal governments and with other municipalities and political subdivisions in all matters pertaining to emergency management operations defined in this Code.

(C) In performing his duties under this Code, the Mayor is further authorized:

- (1) To make, amend and rescind all lawful necessary orders, rules and regulations of the local disaster plan to carry out the provisions of this Code within the limits of the authority conferred upon him.
- (2) To cause to be prepared a comprehensive plan and program for the emergency management of this municipality which plan and program shall be integrated into and coordinated with disaster plans of the state and federal governments and other political subdivisions, and which plan and program may include:
  - (a) Prevention and minimization of injury and damage caused by disaster;
  - (b) Prompt and effective response to disaster;
  - (c) Emergency relief;
  - (d) Identification of areas particularly vulnerable to disasters;
  - (e) Recommendations for zoning, building and other land-use controls, safety measures for securing permanent structures and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact;
  - (f) Assistance to local officials in designing local emergency action plans;
  - (g) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster;
  - (h) Organization of municipal manpower and chains of command;

- (i) Coordination of local emergency management activities;
    - (j) Other necessary matters.
  - (3) In accordance with such plan and program for the emergency management of this municipality, and out of funds appropriated for such purposes, to procure and preposition supplies, medicines, materials and equipment to institute training programs and public information programs, and to take all other preparatory steps, including the partial or full mobilization of emergency management organizations in advance of actual disaster to insure the furnishing of adequately trained and equipped forces for disaster operations.
  - (4) Out of funds appropriated for such purposes, to make such studies and surveys of the industries, resources and facilities in this municipality as may be necessary to ascertain the capabilities of the municipality for the emergency management phases of preparedness, response, and recovery, and to plan for the most efficient emergency use thereof.
- (D) The Mayor is authorized to designate space in a municipal building, or elsewhere for the emergency management agency as its office.

**30-4-6 FINANCING.**

- (A) It is the intent of the Village Board and declared to be the policy of the municipality that every effort shall be made to provide funds for disaster emergencies.
- (B) It is the Village Board's intent that the first recourse shall be to funds regularly appropriated to the agency. If the Mayor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, and the Governor has proclaimed the municipality a disaster, he may make application for funds from the state disaster relief fund. If monies available from the fund are insufficient, and if the Mayor finds that other sources of money to cope with the disaster are not available or are insufficient, he shall issue a call for an immediate session of the Village Board for the purpose of enacting ordinances as the Village Board may deem necessary to transfer and expend monies appropriated for other purposes, or borrow monies from the United States Government or other public or private sources. If less than a quorum of the members of the Village Board is capable of convening in session to enact such ordinances for the transfer, expenditure or loan of such monies, the Mayor is authorized to carry out those decisions until such time as a quorum of the Village Board can convene.
- (C) Nothing contained in this Section shall be construed to limit the Mayor's authority to apply for, administer and expend grants, gifts, or payments in aid of disaster prevention, preparedness, response or recovery.

**30-4-7 LOCAL DISASTER EMERGENCIES.**

- (A) A local disaster emergency may be declared only by the Mayor or Village Board. If declared by the Mayor, it shall not be continued for a period in excess of **seven (7) days** except by or with the consent of the Village Board. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity, and shall be filed promptly with the municipal clerk.
- (B) The effect of a declaration of a local disaster emergency is to activate any and all applicable local emergency operations plans and to authorize the furnishing of aid and assistance thereunder.
- (C) During a local disaster emergency, the Mayor may suspend the provisions of any municipal ordinance prescribing procedures for the conduct of municipal business, or the orders, rules and regulations of any municipal agency, if strict compliance with the provisions of any ordinance, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency, as authorized by "**The Illinois Emergency Management Agency Act**", provided that, if the Village Board meets at such time, he shall act subject to the directions and restrictions imposed by that body.

- 30-4-8 TESTING OF DISASTER WARNING DEVICES.** The testing of disaster devices including outdoor warning sirens shall be held only on the first Tuesday of each month at **10 o'clock** in the morning.

**30-4-9**      **MUTUAL AID ARRANGEMENTS BETWEEN POLITICAL SUBDIVISIONS.**

The coordinator for emergency management operations may, in collaboration with other public agencies within his immediate vicinity, develop or cause to be developed mutual aid arrangements with other political subdivisions, municipal corporations or bodies politic within this state for reciprocal disaster response and recovery in case a disaster is too great to be dealt with unassisted. The mutual aid shall not, however, be effective unless and until approved by each of such political subdivisions, municipal corporations or bodies politic as are parties thereto, in the manner provided by law, and unless and until filed with and approved in writing by the state director. Such arrangements shall be consistent with the state and local emergency management operations plan and program, and in the event of such disaster as described in **Section 30-4-3** of this Code, it shall be the duty of each local and department for emergency management operations to render assistance in accordance with the provisions of such mutual aid arrangements.

**30-4-10**      **COMMUNICATIONS.** The local Emergency Management Agency shall ascertain what means exist for rapid and efficient communications in times of disaster emergencies. The agency shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive system or network. In studying the character and feasibility of any system or its several parts, the agency shall evaluate the possibility of multipurpose use thereof for general municipal and local governmental purposes. The agency shall make recommendations to the Mayor as appropriate.

**30-4-11**      **IMMUNITY.** Neither the municipality, the agency or any member thereof or any person acting at their direction, engaged in any emergency management operations or disaster activities, while complying with or attempting to comply with this Code or any rule or regulations promulgated pursuant to this Code is liable for the death of or any injury to persons, or damage to property, as a result of such activity. This section does not, however, affect the right of any person to receive benefits to which he would otherwise be entitled under this act under the Worker's Compensation Act or the Worker's Occupational Diseases Act, or under any pension law, and this Section does not affect the right of any such person to receive any benefits or compensation under any Act of Congress.

**30-4-12**      **PROFESSIONS, TRADES AND OCCUPATIONS.** If such disaster as is described in **Section 30-4-3** occurs in this municipality and the services of persons who are competent to practice any profession, trade or occupation are required in this municipality to cope with the disaster situation and it appears that the number of persons licensed or registered in this municipality to practice such profession, trade or occupation may be insufficient for such purpose, then any persons who are licensed elsewhere to practice any such profession, trade or occupation may, if a member of another political subdivision rendering aid in this municipality pursuant to the order of the head of that political subdivision and upon the request of the municipality, or if otherwise requested so to do by the Mayor or the coordinator of this municipality, during the time the disaster condition continues, practice such profession, trade or occupation in this municipality without being licensed or registered in this municipality.

**30-4-13**      **APPROPRIATIONS AND LEVY OF TAX.** The Village Board may make appropriations for emergency management operations in the manner provided by law for making appropriations for the ordinary expenses of such political subdivision. The Village Board may also levy for emergency management operations a tax not to exceed **.05%** of the full, fair cash value as equalized or assessed by the Department of Revenue on all taxable property in the municipality for the current year. However, the amount collectible under such a levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita. The annual tax shall be in addition to and in excess of the amount authorized to be levied for general corporate purposes.

**30-4-14**      **AUTHORITY TO ACCEPT SERVICES, GIFTS, GRANTS OR LOANS.** Whenever the federal or state governments, or any agency or officer thereof, or whenever any person, firm or corporation shall offer to the municipality services, equipment, supplies, materials or funds by way of gift or grant for purposes of emergency management, the municipality, acting through the Mayor or through its Village Board, may accept such offer and upon such acceptance the Mayor or the Village

Board may authorize any officer of the municipality to receive such services, equipment, supplies, materials or funds on behalf of the municipality.

**30-4-15 ORDERS, RULES AND REGULATIONS.**

(A) The Mayor shall file a copy of every rule, regulation or order and any amendment thereof made by him pursuant to the provisions of this Code in the office of the Municipal Clerk. No such rule, regulation or order, or any amendment thereof, shall be effective until **ten (10) days** after such filing; provided, however, that upon the declaration of such a disaster emergency by the Mayor as is described in **Section 30-4-7**, the provision relating to the effective date of any rule, regulation order or amendment issued pursuant to this Code and during the state of such disaster emergency, is abrogated, and said rule, regulation, order or amendment shall become effective immediately upon being filed with the Municipal Clerk, accompanied by a certificate stating the reason for the emergency.

(B) The Emergency Management Agency established pursuant to this Code, and the coordinator thereof, shall execute and enforce such orders, rules and regulations as may be made by the Governor under authority of the Illinois Emergency Management Agency Act. The local Emergency Management Agency shall have available for inspection at its office all orders, rules and regulations made by the Governor, or under this authority. The State Emergency Management Agency shall furnish such orders, rules and regulations to the agency.

**30-4-16 UTILIZATION OF EXISTING AGENCY, FACILITIES AND PERSONNEL.** In

carrying out the provisions of this Code, the Mayor and the coordinator of the emergency management agency are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the municipality to the maximum extent practicable, and the officers and personnel of all such departments, offices and agencies are directed, upon request, to cooperate with and extend such services and facilities to the coordinator and the emergency management agency.

**30-4-17 SEVERABILITY.** If any provision of this Code or the application thereof to any person or circumstances be held invalid, such invalidity shall not affect such other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Code are hereby declared to be severable.

**30-4-18 NO PRIVATE LIABILITY.**

(A) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants a license or privilege, or otherwise permits the designation or use of the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual or impending disaster, or a mock or practice disaster response activity together with his successors in interest, if any, shall not be civilly liable for negligently causing the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission, or for negligently causing loss of, or damage to, the property of such person.

(B) Any private person, firm or corporation and employees and agents of such person, firm or corporation in the performance of a contract with, and under the direction of, the municipality under the provisions of this Code, shall not be civilly liable for causing death of, or injury to, any person or damage to any property except in the event of willful misconduct.

(C) Any private person, firm or corporation, and any employee or agency of such person, firm or corporation, who renders assistance or advice at the request of the municipality, shall not be civilly liable for causing the death of, or injury to, any person or damage to any property except in the event of willful misconduct. The immunities provided in Subsection (C) shall not apply to any private person, firm or corporation, or to any employee or agent of such person, firm or corporation whose act or omission caused in whole or in part such actual or impending disaster and who would otherwise be liable therefore.

**30-4-19 SUCCESSION.** In the event of the death, absence from the municipality or other disability of the Mayor preventing him from acting under this Code or for any other municipal purpose, and until the office is filled in the manner prescribed by law, the coordinator of the emergency management agency shall succeed to the duties and responsibilities of the Mayor.

**30-4-20**      **COMPENSATION.** The Village Board, by its annual appropriations ordinance, may provide for the payment of the salary of the coordinator and such other office staff and personnel as may be expressly provided for in the ordinance. Nothing herein contained shall prohibit any member of the agency from receiving compensation from the State of Illinois Emergency Management Agency under any provisions of that agency.

**30-4-21**      **PERSONNEL OATH.** Each person, whether compensated or non-compensated, who is appointed to serve in any capacity in the municipal Emergency Service and Disaster Agency, shall, before entering upon his duties, take an oath, in writing, before the coordinator of the municipal Emergency Service and Disaster Agency before a person authorized to administer oaths in this municipality, which oath shall be filed with the coordinator of the Emergency Management Agency, and which oath shall be substantially as follows:

"I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I, nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time I am affiliated with the Village, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

**30-4-22**      **EMERGENCY TERMINATION OR REDUCTION OF ELECTRICAL SERVICE.**  
(A)      **Declaration of Emergency Condition.** When in the judgment of the Mayor or Village Board, as provided herein in **Section 30-4-7(A)**, a local disaster emergency requires the termination or reduction of electrical service, the Mayor or Village Board shall forthwith declare in writing the existence of the emergency condition and order the termination or reduction.

**30-4-23**      **PENALTY.** Any person convicted of violating this Code or any order thereunder shall be punished, upon conviction, by a fine as provided by **Section 1-1-20** of this Code.

**(20 ILCS 3305/1 et seq.)**